

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EDWARD MELLER, as Personal  
Representative of the Estate of VITALY  
MELLER, and EDWARD MELLER,  
Individually,

Plaintiff,

v.

EXTENDICARE HOMES, INC., a Delaware  
corporation, d/b/a PUGET SOUND  
HEALTHCARE CENTER; EXTENDICARE  
HEALTH FACILITY HOLDINGS, LLC., a  
Delaware corporation; EXTENDICARE  
HEALTH SERVICES, LLC, a Delaware  
corporation; PUGET SOUND RE LLC, a  
Wisconsin corporation; and "JOHN DOE"  
CORPORATIONS I-V; Jointly and severally,

Defendants.

Case No. 2:15-cv-01487 TSZ

**PLAINTIFF'S RULE 26(A)(1)  
INITIAL DISCLOSURES**

Plaintiff hereby makes the following Initial Disclosures pursuant to Rule 26(a) of the Federal Rules of Civil Procedure. These disclosures are based on information reasonably available to Plaintiff as of the date hereof. By making these initial disclosures, Plaintiff does not waive, but expressly preserves, any and all objections including but not limited to any claims of privilege and/or work product protection. Plaintiff further reserves the right to supplement these disclosures as this litigation proceeds including his right to modify any statements contained herein. Moreover, by identifying documents or witnesses relating to

PLAINTIFF'S RULE 26  
INITIAL DISCLOSURES - 1  
Case No. 2:15-cv-01487 TSZ

GRAHAM LUNDBERG PESCHEL, P.S., INC.  
ATTORNEYS AT LAW  
2601 FOURTH AVENUE, FLOOR 6  
SEATTLE, WASHINGTON 98121  
(206) 448-1992  
FACSIMILE (206) 448-4640

Defendant's defenses, Plaintiff does not concede the basis of any claimed defense or the relevance of any documents or witnesses to these claims.

Given the information currently known to Plaintiff, and without waiving any objections as to the privilege or admissibility at trial of information known by Plaintiff, and expressly reserving the right to rely on additional witnesses as further information becomes available, the following individuals are likely to have discoverable information that Plaintiff may use to support his claims.

**I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION**

The following is a list of individuals, along with their addresses, phones numbers, and the information that they may possess relating to the Defendants' negligence as specified in Plaintiff's Complaint in this matter.

**A.** Edward Meller  
c/o Graham Lundberg Peschel, P.S., Inc.  
2601 Fourth Avenue, Floor 6  
Seattle, WA 98121  
(206) 448-1992

Plaintiff Edward Meller has knowledge of the events and circumstances of his father Vitaly Meller's injuries, physical and emotional, pain and suffering, limitations, disability and the effect on his father Vitaly Meller's day to day life, and damages, which are the subject of this lawsuit.

**B. Family members and friends of Plaintiff** have knowledge of Plaintiff's complaints and limitations, events and circumstances of deceased Vitaly Meller's injuries, physical and emotional, and how they have affected Plaintiff Edward Meller's day to day life, based on their personal observations of Plaintiff both prior to and subsequent to the death of his father Vitaly Meller.

Batia Meller  
c/o Graham Lundberg Peschel, P.S., Inc.  
2601 Fourth Avenue, Floor 6  
Seattle, WA 98121  
(206) 448-1992

**C. Possible Expert Witnesses:**

1. Mark Steven Lachs, M.D., M.P.H.  
525 East 68<sup>th</sup> St., Room F-1401  
New York, NY 10021  
(212) 746-1677

Dr. Lachs is an expert in geriatrics and gerontology. Dr. Lachs will testify as to the nursing home's liability, medical causation and medical damages. As a geriatrician, Dr. Lachs will testify as to the palliative care which would have been available to Vitaly Meller. Additionally, Dr. Lachs will opine in the area of abuse and neglect related to Vitaly Meller, as well as the nursing home's intentional disregard for Vitaly Meller. Dr. Lachs is expected to respond to Defendant's experts, if any. Dr. Lachs opinions and other disclosure information as required by FRCP 26(a) will be supplemented as allowed pursuant to FRCP 26(a)(2)(B).

**D. All medical personnel identified in medical records** provided by Plaintiff as having participated in the care and documentation of the examination and treatment of deceased Edward Meller may have information as to the nature and extent of injuries and the examination, testing, diagnoses, treatment, and resulting death relative to those injuries, and may have opinions as to causal relationships between the casualty and medical conditions noted. The following health care providers have knowledge of deceased Edward Meller's medical history, mechanism of injury, diagnosis, prognosis, causation of injuries, past medical treatment, the effect the injuries had on deceased Vitaly Meller's day to day life, observations regarding deceased Vitaly Meller's pain, suffering, and discomfort and such other facts as deemed relevant by the trial judge.

1. Ngozi Achebe, M.D.  
Capital Medical Center  
3900 Capital Mall Dr. SW  
360-754-5858
2. Shayna Adamy, Nursing Assistant  
c/o Charles Huber  
Lane Powell  
1420 Fifth Avenue, Suite 4200  
Seattle, WA 98111  
206-223-7000

- 1                   3.     Kirk Dawson, M.D.  
2                   c/o Charles Huber  
3                   Lane Powell  
4                   1420 Fifth Avenue, Suite 4200  
5                   Seattle, WA 98111  
6                   206-223-7000
- 7                   4.     James S. Edstam, M.D.  
8                   St. Peter Hospital  
9                   700 Lilly Rd. NE  
10                  Olympia, WA 98506  
11                  360-923-7000
- 12                 5.     Crystal L. Faur, Nursing Assistant  
13                 c/o Charles Huber  
14                 Lane Powell  
15                 1420 Fifth Avenue, Suite 4200  
16                 Seattle, WA 98111  
17                 206-223-7000
- 18                 6.     Robert J. Hehn, M.D.  
19                 Providence Urology Clinic  
20                 1800 Cooks Hill Rd., Suite F  
21                 Centralia, WA 98531  
22                 360-827-6700
- 23                 7.     Katherine Hogg, M.D.  
24                 Providence Health & Services  
25                 500 Lilly Rd. NE, Suite 110  
26                 Olympia, WA 98605  
                    360-493-7436
8.     Nicole Kinread, Nursing Assistant  
                  c/o Charles Huber  
                  Lane Powell  
                  1420 Fifth Avenue, Suite 4200  
                  Seattle, WA 98111  
                  206-223-7000

- 1           9.       Allison H. Paquette, RN  
2               c/o Charles Huber  
3               Lane Powell  
4               1420 Fifth Avenue, Suite 4200  
5               Seattle, WA 98111  
6               206-223-7000
- 7           10.       Lorena Robertson, Medical Records Director  
8               c/o Charles Huber  
9               Lane Powell  
10              1420 Fifth Avenue, Suite 4200  
11              Seattle, WA 98111  
12              206-223-7000
- 13           11.       Karen L. Semoness, M.D.  
14               Group Health  
15               700 Lilly Rd. NE  
16               Olympia, WA 98506  
17               360-923-7500
- 18           12.       Angela M. Shipley, LPN  
19               c/o Charles Huber  
20               Lane Powell  
21               1420 Fifth Avenue, Suite 4200  
22               Seattle, WA 98111  
23               206-223-7000

24       **II.       DOCUMENTS IN THE POSSESSION, CUSTODY, OR CONTROL OF**  
25       **PLAINTIFF THAT PLAINTIFF MAY USE TO SUPPORT HIS CLAIMS**

26       The following documents are attached separately on compact disc. Plaintiff expressly reserves the right to supplement this list and rely on additional documents as further information becomes available to him throughout this litigation.

- 27           A. Puget Sound Health Care medical records
- 28           B. Puget Sound Health Care billing records
- 29           C. Capital Medical Center medical records
- 30           D. Providence St. Peter medical records
- 31           E. Providence St. Peter autopsy report

1 F. Providence Urology Clinic medical records

2 **III. DAMAGES**

3 A. Estate Survival Claims (pre death Pain and Suffering) \$ 500,000.00

4 B. Vulnerable Adult claims RCW 74.34 \$ 500,000.00

5 C. Attorney's fees/experts costs \$ 1,250,000.00

6 **Total: \$2,250,000.00**

7  
8  
9 DATED: 12/11/15

10 GRAHAM LUNDBERG PESCHEL, P.S., INC.

11  
12 /s/ James Gooding

13 James Gooding, WSBA# 23833

14 Attorney for Plaintiff

15 [jgooding@glpattorneys.com](mailto:jgooding@glpattorneys.com)

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
PLAINTIFF'S RULE 26  
INITIAL DISCLOSURES - 6  
Case No. 2:15-cv-01487 TSZ

GRAHAM LUNDBERG PESCHEL, P.S., INC.  
ATTORNEYS AT LAW  
2601 FOURTH AVENUE, FLOOR 6  
SEATTLE, WASHINGTON 98121  
(206) 448-1992  
FACSIMILE (206) 448-4640

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 11<sup>th</sup> day of December, 2015, I caused a true and correct copy of the foregoing *Plaintiff's Initial Disclosures Pursuant to FRCP 26(a)(1)* to be delivered, with all required charges prepaid, by the method(s) indicated below, to the following person(s):

Charles Huber  
Lane Powell  
1420 Fifth Avenue, Suite 4200  
Seattle, WA 98111  
206-223-7000  
*Attorney for Defendant*

<input type="checkbox"/>	U.S. MAIL
<input type="checkbox"/>	LEGAL MESSENGER
<input checked="" type="checkbox"/>	EMAIL
<input type="checkbox"/>	HAND DELIVERED
<input type="checkbox"/>	EXPRESS DELIVERY
<input type="checkbox"/>	FACSIMILE
<input checked="" type="checkbox"/>	E-SERVED

/s/ Eve Rashby  
Eve Rashby, Paralegal

PLAINTIFF'S RULE 26  
INITIAL DISCLOSURES - 7  
Case No. 2:15-cv-01487 TSZ

GRAHAM LUNDBERG PESCHEL, P.S., INC.  
ATTORNEYS AT LAW  
2601 FOURTH AVENUE, FLOOR 6  
SEATTLE, WASHINGTON 98121  
(206) 448-1992  
FACSIMILE (206) 448-4640